

REMARKS

Applicant would like to express appreciation to the Examiner for the detailed Official Action. Upon entry of the present paper claims 1-7 will remain pending. Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections in the present application. Such action is respectfully requested and is now believed to be appropriate.

Turning to the merits of the Official Action, the Examiner has rejected claims 1-7 under the judicially-created doctrine of nonstatutory obviousness-type Double Patenting as being unpatentable over claims 5, 7, 8, 10, 11, 13-14 and 16 of commonly-assigned U.S. Patent Application No. 10/518,770. Together with the present Response, Applicant encloses herewith a duly-executed Terminal Disclaimer fully complying with 37 C.F.R. § 1.321(c) and 37 C.F.R. § 3.73(b) and which overcomes this double-patenting rejection.

Applicant is filing the enclosed Terminal Disclaimer merely to remove any issue as to whether the claims of the above-identified application and those of U.S. Patent Application No. 10/518,770 in any way conflict. However, neither Applicant nor the assignee intends to make any representation as to whether the invention defined by any of the claims of the above-identified application or U.S. Patent Application No. 10/518,770 would have been obvious in view of the other or whether an obviousness-type double patenting rejection would be appropriate if the enclosed terminal disclaimer were not filed. Nor does Applicant acquiesce to the propriety of the Examiner's rejection. Applicant emphasizes that the terminal disclaimer is being filed only to expedite the allowance of the pending claims. It is thus respectfully requested that the double-patenting rejection be withdrawn.

Thus, Applicant respectfully requests the Examiner to indicate the allowance of each and every pending claim in the present application.

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COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

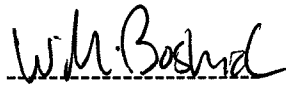
In response to the Statement of Reasons for Allowance, mailed by the U.S. Patent and Trademark Office on April 24, 2009, along with the above-noted Official Action, Applicant wishes to clarify the record with respect to the basis for patentability of the allowable claim in the present application. In this regard, while Applicant does not disagree with the Examiner's indications that certain identified features are not disclosed by the prior art references, as noted by the Examiner, Applicant further wishes to clarify that the independent claims in the present application recite a particular combination of features, and the basis for patentability of each of these claims is further based on the particular totality of the features recited therein. The dependent claims set forth additional bases for their patentability in accordance with their recited limitations as well as in accordance with the particular limitations of the respective base claims.

SUMMARY AND CONCLUSION

In view of the above, allowance of the present application is respectfully requested and are believed to be appropriate.

Should there be any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
Mamoru USAMI et al.

A handwritten signature in black ink, appearing to read "W.S. Boshnick", written over a horizontal dashed line.

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July 17, 2009  
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